IN THE HIGH COURT OF UTTARHAND
AT NAINITAL

Writ Petition No. 1214 of 2004 (S/S)

Ram Kishna S/o Paltu Singh
& 31 others. ……..**Petitiioners**

Versus

1. State of Uttaranchal through Principal Secretary, Gram Vikas and Panchayat Raj.
2. Secretary, Irrigation Department, Uttaranchal Sashan Dehradun
3. District Magistrate, Haridwar.

.....**Respondents**

Hon'ble M.M. Ghildiyal, J.

Heard Sri Gopal Narain, learned counsel for the petitioners and Sri H.M. Raturi, learned Standing Counsel for the respondents.

By means of this writ petition, the petitioners have prayed for the following relief:-

1. Issue a writ, order or direction in the nature of Certiorari quashing the order dated 28.10.03 by which the transfer of the employees to their parental department had been suspended.
2. Issue a writ, order or direction in the nature of mandamus directing and commanding the respondents either absorb the petitioners in Gram Vikas and Panchayat Raj Vibhag where others are working or the employees will be relieved immediately like the petitioners to their parental department.
3. Issue any other order or direction which this Hon'ble Court may deem fit and proper under the circumstances of the case.

4. Award cost of the petition in favour of the petitioner.
5. Issue a writ, order or direction in the nature of Certiorari to quash the impugned order dated 5.11.2001 (Annexure 3 to the writ petition).

So far as the first relief is concerned, the petitioners have not impleaded all the persons, who will be affected, in case, the order dated 28.10.2003 is quashed and, as such, this Court cannot quash the order dated 28.10.2003. So far as the second prayer is concerned, the petitioners have already moved a representation before Chief Secretary, Uttaranchal on 15.09.2004, which is Annexure 2 to the writ petition.

Learned counsel for the petitioners has submitted that the controversy raised by means of this petition has already been settled by the Apex court in the case of **U.P. Gram Panchyat Adhikari Sangh & Ors. Vs. Daya Ram Saroj & Ors.,** reported in **2007 (2) SCC 138**. The second submission of the learned counsel for the petitioners is that 449 persons from different departments were sent to different Gram Panchayats. Later on when these persons were being sent back to their parental department, some of them filed writ petition before this Court and at the initial stage, stay order was granted in their favour and later on, stay order was vacated. After the Stay order was vacated, the employees, who were taken from different departments to Gram Panchayat Department, were sent back and 241 employees have joined in their parental department, however, 208 employees are still working with the Panchayati Raj Department.

The submission of the learned counsel for the petitioners is that similarly situated persons are getting benefit of designation and other facilities while they have been

retained in the Panchayati Raj Department. According to the petitioners, who have been forced to Join to their parental department, are deprived of those facilities.

Since the issue, that the employees whose services were taken by the Panchayati Raj Department, has already been settled by the Apex Court in the aforesaid judgment, it is expected from the respondents that they will take decision on the representation of the petitioners dated 15.09.2004, Annexure 2 to the writ petition in view of the judgment passed by the Apex Court aforesaid within a period of three months from the date of production of a certified copy of this order.

With this direction, the writ petition is finally disposed of.

06.04.2007 **(M.M. Ghildiyal, J.)**
VKS